

Message Text

UNCLASSIFIED

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41

ACTION L-03

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SCA-01 /017 W

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R 221702Z DEC 75

FM AMEMBASSY BONN

TO AMCONSUL FRANKFURT

INFO AMCONSUL MUNICH

SECSTATE WASHDC 5279

UNCLAS BONN 20637

FRANKFURT FOR MCKINLAY

MUNICH FOR CHARIG

DEPARTMENT PASS JUSTICE FOR FOREIGN LITIGATION UNIT

(RISTAU)

E.O. 11652: N/A

TAGS: OGEN, LEGAL, GW

SUBJECT: SUIT AGAINST AMCONGEN BY FORMER FSLE STANG

REFS: (A) FRANKFURT 7133; (B) BONN 17821;

(C) STATE 299062

1. ON BASIS OF ADVICE RECEIVED FROM FRG FOREIGN
OFFICE PROTOCOL SECTION (SEE PARA 4 REFTEL(A)),
REFTEL (C) AND PFUND-CHARIG TELCON DECEMBER 22,
EMBASSY RECOMMENDS THAT CONSULATE GENERAL BY
REGISTERED LETTER INFORM FRG LABOR COURT HANDLING
THIS CASE THAT SUIT IS NOT IN FACT AGAINST CONGEN BUT
AGAINST UNITED STATES GOVERNMENT; CONGEN LETTER SHOULD
CONTINUE THAT CONGEN IS WITHOUT AUTHORITY TO ACCEPT
SERVICE OF PROCESS ON BEHALF OF USG AND THEREFORE
MUST REJECT SERVICE AS IMPROPER, RETURNING DOCUMENT
ADDRESSED TO CONSULATE AND RECEIVED OCTOBER 22
(RETAINING COPY); LETTER SHOULD CONTINUE THAT IF
COURT WISHES TO PURSUE SERVICE OF PROCESS ON USG, ONLY
APPROPRIATE MANNER FOR DOING SO IS THROUGH DIPLOMATIC
CHANNELS, I.E. BY FRG FOREIGN OFFICE NOTE TO PRINCIPAL
DIPLOMATIC REPRESENTATION, I.E US EMBASSY BONN, OR
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BY NOTE FROM FRG EMBASSY WASHINGTON DELIVERED TO STATE

DEPARTMENT. CONGEN REQUESTED TO REPORT TO DEPARTMENT ON WORDING AND TIMING OF LETTER SENT; WITH INFORMATION TO EMBASSY, CONGEN MUNICH FOR CHARIG, AND JUSTICE FOR RISTAU.

2. ACCORDING TO CHARIG, IF COURT CHOOSES TO IGNORE ABOVE NOTIFICATION THAT SERVICE ON CONGEN WAS IMPROPER AND IF IT CONTINUES IN THIS CASE TO DEFAULT JUDGEMENT AGAINST CONGEN ON POINTS MENTIONED IN REFTEL (A), OR IF SERVICE ON USG IS MADE THROUGH DIPLOMATIC CHANNELS, DEPARTMENT OF JUSTICE THROUGH RISTAU/CHARIG AND PURSUANT TO 28 USC 516 WOULD HAVE RESPONSIBILITY TO DEFEND USG IN THIS ACTION AND WOULD HANDLE HIRING OF APPROPRIATE GERMAN COUNSEL IN FRANKFURT TO HANDLE THIS CASE.

3. REFTELS BEING REPEATED TO MUNICH FOR CHARIG'S INFORMATION.
HILLENBRAND

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN20637
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750444-0489
From: BONN
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1975/newtext/t19751220/aaaaargn.tel
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06 JUL 2006

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To: FRANKFURT
Type: TE
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